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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,242	02/06/2004	Patrick A. McKee	5820.646	8624
30589 7590 06/05/2007 DUNLAP, CODDING & ROGERS P.C. PO BOX 16370 OKLAHOMA CITY, OK 73113			EXAMINER ROBINSON, HOPE A	
			ART UNIT 1652	PAPER NUMBER
			MAIL DATE 06/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/774,242	<b>Applicant(s)</b> MCKEE ET AL.	
	<b>Examiner</b> Hope A. Robinson	<b>Art Unit</b> 1652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Application Status***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 13, 2007 has been entered.

2. Applicant's response to the Advisory Action mailed January 18, 2007 on February 13, 2007 is acknowledged.

3. Claims 1-21 are pending. Claims 1-2 are under examination.

### ***Information Disclosure Statement***

4. As previously stated, the Information Disclosure Statement filed on September 29, 2006 has been received and entered. The references cited on the PTO-1449 Form have been considered by the examiner and a copy is attached to the instant Office action. However, note that the EP reference has been lined through, because the reference was not found in the instant

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application. It is noted that two copies of WO 97/34927A was provided. Applicant is urged to resubmit the reference for consideration.

***Claim Objection***

5. Claims 1-2 are objected to because of the following:

For precision and clarity of claim language it is suggested that claim 1 is amended to read: "An  $\alpha_2$ -antiplasmin cleaving enzyme, comprising:  
a purified protein having a molecular weight of about 180 kDa as determined by SDS-PAGE in a dimeric form, wherein each subunit of the dimeric form has a molecular weight of about 97 kDa (SDS-PAGE), and has an N-terminal isoleucine set forth in SEQ ID NO:1, said protein further comprising internal sequences set forth in SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:7 or SEQ ID NO:8 and wherein, the enzyme cleaves precursor  $\alpha_2$ -antiplasmin at the pro12-asn13 bond".

Claim 2 is objected to because it depends from a rejected based claim.

***Maintained-Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claim 1 remains rejected under 35 U.S.C. 102(b) as being anticipated by Ludwig Institute For Cancer Research (WO 97/34927, 25 September 1997).

The reference discloses a sequence that is identical to the claimed SEQ ID NO:1 (N-terminus) and SEQ ID NO:4 (internal sequence) with a 100% sequence identity. In addition, the reference discloses a dimeric form of the claimed protein. Therefore, the limitations of the claim is met by the reference.

### ***Response to Arguments***

7. The response filed on February 13, 2007 has been considered, however, is not fully persuasive. With regard to the art rejection, applicant state that the cited prior art reference does not teach all the limitations of the claim. Note that the present claim language is open "comprising" and "having" thus the reference can have additional embodiments not presented in the claims. In addition, the structure disclosed in the art is 100% identical to the claimed structure, thus, would inherently possess the claimed function. Applicant also state that the cited prior art has an N-terminal Met and the claims are directed to an N-terminal isoleucine, however, the sequence set forth in SEQ ID NO:1 of the instant invention and described as the N-terminus sequence is found in the N-terminus of SEQ ID NO:2 of the reference (100% identical). It is noted that the referenced sequence has 23 residues before the isoleucine found in the N-terminus, however, the claims recite open language, which means that residues can be added to the N or C terminus of SEQ ID NO:1. Thus, the rejection remains.

### ***Conclusion***

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8. No claims are allowable.

9. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hope A. Robinson whose telephone number is 571-272-0957. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy, can be reached at (571) 272-0928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hope Robinson, MS

Patent Examiner

*[Handwritten signature]*  
5/29/07

HOPE ROBINSON  
PRIMARY EXAMINER